

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, May 12, 2015
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LOCATION OF MEETING: Middleburg Borough Building, 13 North Main Street, Middleburg PA

COUNCIL MEMBERS : Roger Snook-President, Donald Zechman Jr.-Vice President, Michael Kerstetter, Heidi Potter (Absent), William Hostler, James Shull, Susan Kinney

OFFICIALS PRESENT : Virginia "Ginny" A Zeiber-Administrator/Secretary/Zoning Officer, Mayor Ronald Renshaw, Tony Jordan-Police Chief (Absent)

OTHERS PRESENT : Dustin Zechman-Foreman, Judy Varner-Employee, Jeremiah Runkle-Solicitor, Attorney Connor Tarr, Dwayne Hackenberg-Fire Chief, Brian Lauer-Resident

Meeting Called to Order - The Middleburg Borough Council meeting was called to order by Roger Snook at 7:30 PM and began with the Pledge of Allegiance to the Flag of the United States of America.

Agenda - Roger Snook requested approval of the May 12, 2015 Agenda as presented. A motion was made by James Shull and seconded by Donald Zechman Jr approving the Agenda. MOTION UNANIMOUSLY CARRIED.

Regular Meeting Minutes for April 14, 2015 - Roger Snook asked for a motion to approve the April 14, 2015 Minutes as presented. A motion was made by William Hostler and seconded by James Shull approving the Minutes. MOTION UNANIMOUSLY CARRIED.

Payment of Bills & Approval of Financial Statements - Roger Snook asked for a motion approving payment of the bills and financial statements through May 12, 2015 as presented. A motion was made by James Shull and seconded by William Hostler approving payment of the bills and the financial statements. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: NONE

OFFICERS & OFFICIALS:

Absent Tonight - Note was made that Heidi Potter was absent tonight due to being out of the country, as announced at the April 2015 meeting.

Discussions During Meetings - James Shull expressed his concern about the lengthy discussions held during the Council meetings that ended up with no positive conclusions. He recommended, if there is not sufficient information for a short discussion, followed by a motion or decision of Council, the subject matter should be assigned to a committee for discussion outside of the regular meeting. They can then bring their recommendations back to Council for a decision/motion at the next regular meeting. This should hopefully shorten each meeting and also make them more productive.

Middleburg Yarn Factory - James Shull explained that Council continues to talk about the problems with the Yarn Factory but nothing is ever accomplished. He would like to see something positive happen as a result of the years of discussions.

James stated that Representative Fred Keller indicated there are grants available for the demolition of these types of structures. Ginny noted she spoke directly to Fred's assistant, Darwin, who researched the Borough's request for grant funding. He stated he could not locate any funding that would apply. Roger stated Darwin told him the same thing. James felt there had to be funding available somewhere and requested it continue to be explored.

Jeremiah Runkle explained the Borough's current status with the Yarn Factory. He said the building has been declared uninhabitable by the Central Keystone COG and has been closed down. Then at some point, the COG agreed to a minor accommodation which permits the Yarn Factory to use the back corner of their facility for storage only, but no human occupancy is allowed. In return for that accommodation, the Yarn Factory sealed off that area from the rest of the building.

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Jeremiah said at this point the Borough has three choices. One, do nothing. Two, issue a demolition order but if they refuse to demo it, then the Borough will be responsible to demo it and lien the property for the cost of the demolition. Number three, pursue the owners for fines for their violations of the ordinance. The owners have taken the position if the Borough pushes any harder, they will close the Selinsgrove facilities and leave town.

At one point Dave Steinbacher Enterprises looked the situation over and gave a quote to demo the building by essentially dropping it into the hole that it sits on and covering it with soil so that no bricks can be seen. Their estimate was around \$150,000. This cost did not include removal of the water tower, removal of any underground tanks or any type of appropriate hazardous waste abatement.

The problem with the Borough demolishing the structure and placing a lien against the property is that the value of the property is less than the cost to demolish the structure. That means the Borough will never recover the money spent on the demolition. The perfect scenario would be that the Borough happened to have an extra \$150,000 to spend and they used it to improve the property. Jeremiah offered to do whatever Council requests, but there are basically no other options other than what he just described. He feels the Borough has taken reasonable steps to keep people out of the structure.

Jeremiah Runkle, Solicitor - Jeremiah explained he had drafted an ordinance that was emailed to everyone sometime this afternoon. This ordinance is fairly simple and basically identifies the portions of the streets the Borough has agreed to abandon. He asked Council if they had any questions about the ordinance and if not, he requested a motion to advertise it so it can be adopted at the June meeting. This ordinance relates to the Craig Bahn and Phyllis Lovett requests.

A motion was made by Michael Kerstetter and seconded by Donald Zechman Jr for Jeremiah to proceed by advertising the ordinance abandoning portions of the Borough's streets. MOTION UNANIMOUSLY CARRIED.

Drafting a Resolution - Jeremiah noted on his list of things to do is to draft a resolution stating Council's ruling that any resident who requests something that requires preparation of an ordinance that does not benefit the Borough, but directly benefits them, would be required to bear the cost of the ordinance preparation and advertisement. He will attempt to have this resolution ready for the June meeting.

Zoning District Changes - Jeremiah noted everything is on track to proceed with the adoption of the Zoning Changes at the June meeting. The County reviewed the proposed changes and stated they have no comments.

Reliance Hose Company Report - Dwayne Hackenberg said he did not have time to prepare a written report so he gave a verbal report. He said the Fire Company had 68 calls as of tonight. Their Mother's Day dinner was Sunday and they had a large turnout and the golf tournament was a huge success. They also did very well with their art sale. The next thing coming up is on Memorial Day and then a Father's Day dinner follows after that.

The Fire Company has decided to move forward with their new ambulance building which, as planned, will contain a training room. John Glenny already contacted Ginny about this proposed structure but has not yet presented plans for a zoning permit.

Playground/Charles Park Update - Dustin Zechman said the Charles Park Playground Project is almost complete other than the bio-retention pond. Last Monday and the Monday before, William Hostler brought Cub Scout Pack 3415 to the Park to volunteer their time spreading the new wood carpet around the playground equipment. A good photo was taken and Dustin recommended placing an article in the newspaper that included the photo. William noted all the kids volunteering their time had completed photo release forms, so there should be no problem publishing photos.

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Michael Kerstetter asked Dustin if the new bio-retention pond would keep the park dryer during wet conditions. Dustin said he does not think it will work as efficiently as everyone might like because there is no outlet for the water. It is considered a storage area and then the plants are to take in the water over time. There is a lot of clay there too, so that makes it less efficient. Ginny asked if they could run an outlet pipe from the retention pond to the cut to relieve some of the water. Dustin said that was not part of the grant and would involve a lot of work. Michael said it is a low area and has always been wet. He was hoping the new pond would help significantly. Dustin said they excavated about a foot deep around each piece of playground equipment. Then a geotextile fabric and 6" of 2B stone was placed in the trenches, so that should help get rid of some of the surface water. Also once grass is growing there again, it should be ok.

PENNDOT Agility Agreement - Ginny circulated copies of a resolution presented by PENNDOT for the annual Agility Agreement for approval of Council. The Borough and PENNDOT exchange work favors each year, as they also do with other municipalities, in an effort to help each other and make things run more efficiently.

Dustin noted that Michael Kerstetter requested the Borough try to get Agility reimbursement from PENNDOT for the Borough's services cleaning the state highways. Ginny explained she attempted to accomplish that in the past but was unsuccessful. Michael said at one time PENNDOT came to Middleburg and cleaned their own state roadways but somewhere along the line that service was dropped and they no longer even own a street sweeper.

A motion was made by Donald Zechman Jr and seconded by Michael Kerstetter to adopt the resolution presented by PENNDOT for the Agility work. MOTION UNANIMOUSLY CARRIED.

Ginny will ask PENNDOT again if they would be willing to do something for the Borough regarding the street sweeping situation.

Larson Design Group - Borough Engineer Dave Walters emailed a letter report updating the Authority's projects that was circulated to all Council members. He stated there were no changes with the Borough's projects.

Police Report - Roger noted everyone should have received a copy of Tony Jordan's police report.

Building & Grounds Committee - Chairman Donald Zechman Jr stated the committee had not gotten around to looking at the proposed community room upgrades. They will get to it before the June Council meeting.

Streets & Sidewalks Committee - Chairman Michael Kerstetter said they are making an effort to move along quickly with the proposed paving/seal coat project for 2015. Thanks to efforts by Brian Haight with PENNDOT, the Borough was able to advertise for bids and a special meeting has been scheduled for next Tuesday, May 19, 2015 at 5:30 PM. This meeting is specifically for the opening of the bids and awarding of the project.

Ginny again reminded everyone of the meeting on Tuesday, May 19th at 5:30 PM and noted that a quorum will be required.

Street & Sidewalk Committee - Ginny presented several photographs of the distressed sidewalk located in front of 249 A & B West Market Street, Middleburg. She explained that a neighbor had called to report the sidewalk situation and requested the Borough take appropriate action to make the property owner replace it. Ginny asked Council if they wanted her to proceed by sending a letter to this property owner forcing them to replace their sidewalk.

A lengthy discussion was held regarding the condition of the sidewalks throughout Middleburg Borough and how to address everything properly. Jeremiah noted that if a dangerous condition is brought to the attention of Council and then they do nothing, the situation can reach a point where it becomes a legal liability for the Borough. In conclusion, a motion was made by Susan Kinney and seconded by Michael Kerstetter directing Ginny to send a letter to the property owner at 249 A & B West Market mandating their sidewalks and curbing be replaced. MOTION UNANIMOUSLY CARRIED.

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PHEAA Grant - Ginny explained she had completed the paperwork for the PHEAA Grant and the Borough has been approved. She also placed the required job advertisement language in the Daily Item requesting applications be submitted to the Borough by Tuesday, May 19th. Once the applications have been submitted, the committee will have to interview the chosen applicants to determine who will be hired.

Flowers at the Bridge - Ginny noted that the Women's Club had donated \$75 toward the flowers planted annually next to the bridge and \$50 for Christmas lights. She asked Dustin if the maintenance crew would be willing to plant the flowers again this year. Dustin said if someone picks them up, they will plant them.

Blind Person Sign - A letter from PENNDOT approving the placement of "blind person" signs was included in the agenda packet. Specifications were also provided and were attached with the letter. These specifications, which designate the required size and placement of the signs, will need to be followed carefully. Dustin estimated the cost for this project will be in the neighborhood of \$400.00.

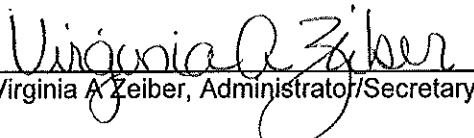
A motion was made by Susan Kinney and seconded by Michael Kerstetter approving the purchase and placement of the signs following PENNDOT's specifications. MOTION UNANIMOUSLY CARRIED.

Grace Covenant Community Church (GCCC) - The Borough received a letter from GCCC requesting permission to use Charles Park on Sunday, July 19th for their Annual Worship event, and on Sunday, August 16th for their Annual Day in the Park.

A motion was made by Donald Zechman Jr and seconded by William Hostler allowing them to use Charles Park for both events, as requested. MOTION UNANIMOUSLY CARRIED.

Adjournment - A motion was made by James Shull and seconded by Donald Zechman Jr to adjourn. MOTION UNANIMOUSLY CARRIED.

The meeting adjourned at 8:30 PM.


Virginia A. Zeiber, Administrator/Secretary